IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT:

**THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO**

**WRIT PETITION No.14610 of 2005**

Between:

V. Nagi Reddy, S/o. Ram Reddy,
R/o.27-14-18/2, Komarada, Canal road,

Nehrupet, Bhimvaram-2 , W.G. District. **..... PETITIONER**

**AND**

1) Bhimvaram Municipality

Rep. by its Commissioner
Bhimvaram,

West Godavari District.

2) T. Subba Rao, aged 46 years,

R/o. Komarada, Canal Road, Nehrupet,

Bhimvaram-2, West Godavari District. **...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in not taking action on the representations submitted by the petitioner on 09-03-2005 and 17-06-2005 with regard to the illegal and unauthorized constructions undertaken by the 2nd respondent at the premises Door No.27-14-18, Komarada Canal Road, Nehrunagar, Bhimvaram, West Godavari District which are contrary to the Building Rules as illegal, arbitrary and violative of Fundamental Rights

guaranteed under Constitution of India and consequently direct the 1st Respondent to stop the illegal constructions by the 2nd respondent in the said site.

**Counsel for the Petitioner: Mr. T.V.S. Prabhakara Rao**

**Counsel for Respondent No.1: Mr. S. Nageswara Reddy**

**Counsel for Respondent No.2: Mr. M. Prabhakara Rao**

**The Court at the admission stage made the following :**

**ORDER:**

Aggrieved by the inaction on the part of the 1st respondent in considering or taking any action on the representations made by the petitioner, dated 09-03-2005 and 17-06-2005, to stop the unauthorized construction undertaken by the 2nd respondent at the premises bearing Door No.27-14-18, Komarada Canal Road, Nehrunagar, Bhimavaram, West Godavari District, this writ petition is filed seeking direction to the 1st respondent to dispose of the said representations made by the petitioner.

It is submitted that the petitioner is the owner and possessor of the house bearing No.27-14-18/2, which was constructed in the year 1987 with prior approval sanctioned by the 1st respondent. That an extent of 340 square yards of land (site) situated on the Northern side of the house of the petitioner is belonging to the 2nd respondent and the 2nd respondent made a small construction in the said land without any prior sanction from the 1st respondent for which he objected and complained the same to the 1st respondent, but the 1st respondent has not taken any action on his complaint. Taking advantage of the same, the 2nd respondent started making a pucca construction in the said land touching the Northern wall of the petitioner without maintaining any open spaces as per the municipal bye laws, therefore he made representations to the 1st respondent, dated 09-03-2005 and 17-06-2005, requesting to stop the illegal construction undertaken by the 2nd respondent and take action against him in accordance with law, but the 1st respondent did not take any action and the 2nd respondent is proceeding with the construction.

In the facts and circumstances of the case, I deem it appropriate to dispose of the Writ Petition, at the admission stage, directing the 1st respondent to consider the representations made by the petitioner by giving a reasonable opportunity of being heard to both the parties and pass appropriate orders, in accordance with law, within a period of four (4) weeks from the date of receipt of the copy of this order. No costs.

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ELIPE DHARMA RAO, J

Date:07-07-2005.

**NOTE**:

Furnish C.C. of the order within three days.

**(B/O)**

PV

To

1) The Commissioner,

Bhimvaram Municipality

Bhimvaram, West Godavari District.

2) Two C.D. copies.